



Ex Parte Filing

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: CC Docket No. 95-155 Toll Free Service Access Codes;
CC Docket No. 96-115 Telecommunications Carrier's Use Of Customer
Proprietary Network Information And Other Customer Information
CC Docket No. 17-192 Toll Free Assignment Modernization
CC Docket No. OEA 19-101 Auction of Toll Free Numbers in the 833 Code

Dear Ms. Dortch:

On June 13, 2019 the undersigned of Ignition Toll Free, Noah Rafalko of MessageComm, and John Evancie of 800 Response Information Services LLC met (via telephonic bridge) with Randy Clarke, Acting Legal Advisor, Wireline and Public Safety for the office of Commissioner Geoffrey Starks.

The purpose of this teleconference was to present information about how the removal of geographic routing is impacting toll free numbers and how it will adversely affect the upcoming 833 auction. We have provided a general background on the geographic routing of toll free numbers, a description of current impediments to the timely and accurate geographic routing of toll free calls due to wireless carriers' recent withdrawal of support for location aggregators, and have highlighted the distinctions between the use of such services by telecommunications service providers (TSPs) and location-based service (LBS) providers.

During the teleconference we discussed who the users of location data are and how the location data they utilize differs:

Users of Location Data: There are two users of location data – telecommunications service providers (TSPs) and location-based service (LBS) providers.

How their use of location differs: TSPs use location data for a singular purpose – to route calls to their appropriate destination. (e.g., Caller encounters an advertisement for a local attorney advertising 1-800-LAWYERS. Caller dials 1-800-LAWYERS and is routed to an attorney in their market). The type of location data used by TSPs is called coarse or fuzzy data. It is sufficient for routing calls geographically but not for identifying a callers' location.



LBSs are entities that use location data for purposes other than call routing. The most widely cited examples are the two companies that made headlines over the past year. One company, Securus, sold location data to law enforcement without a warrant and the other company sold location data to bail bond companies to track individuals without their knowledge or consent. The type of data used by LBSs is GPS location data. GPS location data locates the callers' device to identify their location.

Also discussed during the teleconference was the flow of a toll-free phone call and how location data factored into routing a call. Mr. Clarke asked for an explanation of the flow of a typical toll-free call and location's role in routing a call. Mr. Evancie provided the following overview of the call flow that had generally been in effect since 2012 until the wireless carriers blocked access to their location platforms in late 2018. The call flow and location data functioned as follows:

1. A mobile subscriber dials a toll-free number.
2. The wireless carrier passes the call along to the network of the telecom service provider (TSP) specified by the Responsible Organization (RespOrg).
3. The TSP serving that toll-free number receives the call and determines whether the caller's location is required to properly route the dialed toll-free number (i.e., has the subscriber requested geographic routing, or is the number in "shared use"?).
4. If location is required, the caller is presented with a message to opt-out of or opt-into furnishing their location for the purpose of routing their call.
5. If the caller does not opt-out, or does opt-in, the RespOrg submits a query via HyperText Transfer Protocol (HTTP) to its Location Aggregator's Application Programming Interface (API) for the "coarse" location of the caller, which is in actuality the coordinates of the cell tower to which the handset is registered and can be obtained directly from the wireless carrier's network platform; such queries are typically resolved in 4 – 8 seconds, while the caller remains on the line. Note that TSPs are explicitly restricted by the Location Aggregator to querying only those mobile subscribers who are off-hook at the time of the query (their typical LBS customers have no such restriction).
6. The cell tower coordinates are used to determine the proper termination point for the call; the coordinates are discarded shortly thereafter, and are never shared with the subscriber.
7. Finally, the call is routed to the ring-to number associated with that termination point.
8. Once the call is connected, the location data used to route and provide billing on the call is disposed of. The data is not retained or sold.

The final item discussed was how the carrier mandated opt-in/opt-out requirement impacted call completion rates. It was reported that when callers were presented with a message asking them opt in to use their location to route their call there was a 60% drop rate; meaning 60% of callers hung up instead of pressing 1, or were unable to press 1



(such as while driving) to have their location used to route their call correctly. We noted that callers are not used to these types of messages and therefore do not trust them. This is particularly alarming because it puts into question the fundamental reliability people have in placing phone calls and knowing their call will be connected. We also noted that this carrier required notice and opt-in/opt-out requirement was misplaced because TSPs do not use a callers' location to route calls and instead rely on coarse location data to estimate where the call originated from.

We requested that the Commission provide assurances to the mobile phone and other originating carriers that they both have the obligation to provide coarse/"fuzzy" (rather than precise) location information to toll free service providers and that in doing so they would not be in conflict with privacy protections due to customers, then toll free service providers would be free to offer geographic routing and Shared Use services to customers with no undue call delay or latency or unnecessary caller interference. The Commission could achieve these goals through rendering a decision with respect to the Petition For Immediate Declaratory Relief or In the Alternative, Petition for Rulemaking, Filed by 800 Response Information Services, LLC, CC Docket No. 96-115.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruno Tabbi".

Bruno Tabbi

cc (via email): Randy Clarke